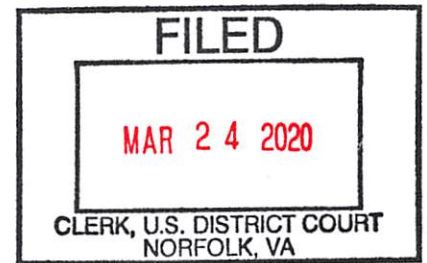


UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA



In re:
EXTENSION TO THE MODIFICATIONS OF
COURT OPERATIONS: SUPPLEMENT TO
GENERAL ORDERS 2020-02 and 2020-03

Case No. 2:20mc7

General Order No. 2020-07

The instant General Order supplements General Orders 2020-02 and 2020-03. Since the entry of such General Orders, the United States District Court for the Eastern District of Virginia has continued to closely monitor the outbreak of Coronavirus Disease 2019 (COVID-19), as well as the developing guidance from the Centers for Disease Control and Prevention ("CDC"),¹ and the increasingly stringent responses from all branches and levels of government. This includes the President of the United States' recommendation that all Americans avoid gathering in groups of more than ten people,² the CDC's recommendation that all Americans avoid close contact with other people (i.e., being within six feet) "if COVID-19 is spreading in your community,"³ and the following sixteen states issuing "stay home" orders: California,

¹ See <https://www.cdc.gov/coronavirus/2019-nCoV/index.html>.

² See https://www.whitehouse.gov/wp-content/uploads/2020/03/03.16.20_coronavirus-guidance_8.5x11_315PM.pdf.

³ https://www.cdc.gov/coronavirus/2019-ncov/prepare/prevention.html?CDC_AA_refVal=https%3A%2F%2Fwww.cdc.gov%2Fcoronavirus%2F2019-ncov%2Fabout%2Fprevention.html.

Connecticut, Delaware, Hawaii, Illinois, Indiana, Louisiana, Massachusetts, Michigan, New Jersey, New Mexico, New York, Ohio, Oregon, Washington, and West Virginia. Additionally, yesterday, the Governor of Maryland issued an order closing all non-essential businesses, as well as an advisory urging citizens to stay in their homes unless they have an essential reason to go out. The Governor of Virginia likewise acted yesterday to: (1) close all K-12 schools for the remainder of the 2019-2020 school year; and (2) close certain categories of non-essential businesses. Both the Maryland and Virginia executive orders permit fines and imprisonment as a punishment for violating such orders.

These heightened restrictions reflect the thousands of new COVID-19 cases being identified each day in the United States, with the available evidence revealing that the spread of COVID-19 is rapidly accelerating in both the United States and the Commonwealth of Virginia. Specifically, in the past few days, the United States has become the country with the second greatest number of individuals known to be currently infected with COVID-19. The number of confirmed cases in the United States has more than doubled in the last three days, and just yesterday, more than 10,000 new cases were identified. The number of daily fatalities has also roughly doubled over the last three days, with more than 100 fatalities occurring on each of the two days immediately preceding the entry of this Order.

While a state-by-state comparison reveals that Virginia's number of known COVID-19 cases is relatively lower than many other states, Virginia's fatality rate, based on the number of known cases, is relatively higher than many other states. This suggests that the true number of Virginia COVID-19 cases, and the degree of local community spread, is not fully captured by the statistics being reported at this time. Moreover, there is clear evidence of insufficient testing, including the fact that testing centers within our District have temporarily shut down and/or cut back their hours in recent days due to a supply shortage of approved tests. The insufficiency of current testing suggests the likelihood that COVID-19 is substantially more widespread in Virginia than it appears from the official numbers. Moreover, while the total number of cases is unlikely to be fully captured by the currently reported statistics, of the known cases, 15% of infected individuals in the Commonwealth have required hospitalization so far.

Health officials have consistently warned that the next several weeks pose the greatest risk of increased community transmission of COVID-19, and that without additional isolation measures designed to "flatten the curve" of the arc reflecting diagnosed cases, the healthcare system risks being overwhelmed and therefore unable to adequately care for those sickened by COVID-19. In evaluating the specific risk of exposure inside the federal

Courthouses in our District over the coming weeks, it is notable that the three areas of greatest concentration of COVID-19 cases in Virginia all fall within commuting distance to a federal Courthouse in the District. Additionally, data currently available from the Virginia Department of Health reveals that approximately 90% of the confirmed COVID-19 cases in Virginia are located within the Eastern District.⁴

After careful consideration of the risks to the public, litigants, counsel, judges, and court employees, and after consultation with appropriate stakeholders, this Court has determined that it is necessary and appropriate to: (1) extend the time period for the suspension of all non-critical and non-emergency in-person proceedings in our Courthouses, as previously identified in General Order 2020-03, as well as all civil and criminal jury trials and grand jury proceedings, as addressed in General Orders 2020-02 and 2020-03; (2) extend filing dates for cases with upcoming deadlines; (3) inform the public of the drop-boxes recently installed in our Courthouses to facilitate filings by individuals who do not have access to CM/ECF; (4) make further speedy trial findings; and (5) update the list of foreign countries and "U.S. Regions" associated with visitor restrictions at our Courthouses.

⁴ See <http://www.vdh.virginia.gov/coronavirus/>.

It is therefore ORDERED that:

(1) All of the time periods set forth in General Order 2020-03 that would expire on Tuesday, March 31, 2020, are hereby extended through Friday, May 1, 2020. Similarly, the time periods set forth in General Order 2020-02 that would expire on April 17, 2020, are hereby extended through Friday, May 1, 2020. As such, all civil and criminal in-person proceedings in the U.S. District Court for the Eastern District of Virginia, including court appearances, trials, hearings, and settlement conferences, scheduled to occur through May 1, 2020, are POSTPONED and CONTINUED, and will be rescheduled at a later date, unless the presiding judge in an individual case issues, or has issued, an order after the filing of General Order 2020-03 directing that a particular critical or emergency proceeding will be held on or before May 1, 2020, because a manifest injustice would result if such proceeding were not conducted on an expedited basis.⁵ While the grand jury is not meeting formally during this suspension, the United States is permitted to seek documents and testimony for return dates after May 1, 2020.

(2) In General Order 2020-03, this Court extended all filing deadlines set to fall between March 17, 2020, and March 31, 2020, by fourteen days, absent order of the presiding judge. Such

⁵ Furthermore, this suspension of proceedings does not extend to conference calls or video proceedings scheduled or confirmed with a presiding judge after the filing of General Order 2020-03.

extension was in recognition of the reality that self-quarantines, teleworking issues, the unexpected need to care for minors released from schools and daycare facilities or close family members, and other COVID-19 related issues, would hinder many attorneys and litigants from submitting timely filings with rapidly approaching deadlines. In light of the same concerns, all filing deadlines now set to fall on or before **April 14, 2020**, are **EXTENDED** by **fourteen days**, unless the presiding judge in an individual case issues, or has issued, an order after the filing of General Order 2020-03 directing that filings be submitted on or before **April 14, 2020**.⁶ Parties and counsel are encouraged to continue submitting filings, and to the extent appropriate, disputes may be resolved by the Court without an in-person hearing. Any requests for further briefing extensions will be considered on a case-by-case basis.

(3) The public is hereby **INFORMED** that, in order to reduce person-to-person contact for individuals submitting in-person filings, drop-boxes have been installed in our Norfolk, Alexandria, Richmond, and Newport News Courthouses. Such drop-boxes will allow litigants to date stamp their filings and securely submit them without entering the Clerk's Office. This procedure

⁶ Consistent with General Order 2020-03, this Order does not toll any applicable statute of limitations. Moreover, of course, the timing for filing an appeal is not a "filing deadline" that this Court has the authority to extend.

will further reduce person-to-person contact while allowing filings to continue uninterrupted. Of course, all counsel registered to submit filings via CM/ECF, as well as those registered to view dockets electronically via PACER, are encouraged to continue utilizing the available technology to avoid unnecessary visits to our Courthouses.

(4) For the same reasons stated above outlining the day-to-day evolution of state-wide shutdowns and increasing community spread of COVID-19—reasons that highlight the necessity of a further continuance of all in-person proceedings other than critical or emergency proceedings—and for the reasons explained in detail in General Order 2020-06, to include the procedural challenges to seating a jury in the midst of the COVID-19 pandemic, the following time periods are hereby excluded from the relevant speedy trial calculations pursuant to 18 U.S.C. § 3161(h)(7)(A):

(1) the time period subject to the suspension of grand jury proceedings as ordered today (the period of April 1, 2020, through May 1, 2020); and (2) the time period subject to the suspension of criminal jury trials as ordered today (the period of April 18, 2020, through May 1, 2020). The Court makes such findings after balancing the factors discussed in 18 U.S.C. § 3161(h)(7)(B), as the Court finds that the exclusion of such time from the speedy trial period is necessary to balance the health and safety of jurors and prospective jurors, court employees, litigants (to

include criminal defendants), counsel, judges, and the public, with the Constitutional responsibility to continue federal court operations during the COVID-19 outbreak. In particular, the increasingly stringent responses from various branches and levels of government, to include the statewide "stay home" orders, as well as the growing number of COVID-19 cases confirmed within this District, and the ongoing recommendations from health officials regarding the immediate need to limit gatherings and person-to-person contact, mandate swift action to protect the public health and outweighs the rights of the impacted defendants, and the public, to a speedy trial.

As indicated in General Order 2020-06, the U.S. Attorney is requested to file a motion and proposed order in all criminal matters in which an indictment is delayed, or purportedly delayed, due to the absence of a sitting grand jury. See Zedner v. United States, 547 U.S. 489, 506 (2006). As to trial continuances, judges of this Court will handle case specific speedy trial findings at the appropriate time.

(5) While counsel and litigants are encouraged to interact with the Court through electronic and remote means whenever possible, the Courthouses and Clerks' Offices of the Eastern District of Virginia remain open at this time. In General Order 2020-03, the Court established restrictions regarding which persons would be denied entry to U.S. Courthouses or U.S. Probation

Offices in the Eastern District of Virginia without prior permission from the Chief Judge. Those restrictions remain in place; however, it is hereby ORDERED that, with regard to restrictions (5) and (6), the listed Countries shall be updated to reflect the current countries for which the CDC has issued a Level Two or Level Three travel health notice, and the listed "U.S. Regions" shall be updated to include all of the following locations: the State of California, the State of New York, the State of New Jersey, and the State of Washington. These updates to the visitor restrictions reflect recent developments, to include the reported numbers of COVID-19 cases within the listed regions, and are designed to limit the spread of COVID-19. Additionally, the attached updated versions of the Public Notices shall be posted outside of each respective U.S. Courthouse in the District.

It is so ORDERED.

/s/ 

Mark S. Davis
CHIEF UNITED STATES DISTRICT JUDGE

Norfolk, Virginia
March 24, 2020

PUBLIC NOTICES - VISITOR RESTRICTIONS

Attached Notices:

- Alexandria Courthouse
- Newport News Courthouse
- Norfolk Courthouse
- Richmond Courthouse



Alexandria Court Access Notice regarding Coronavirus (COVID-19)

**Due to the ongoing coronavirus (COVID-19) outbreak,
please read the below Order before entering the Courthouse:**

By Order of the Chief Judge, the following persons shall not enter any U.S. Courthouse or U.S. Probation Office in the Eastern District of Virginia without prior permission from the Chief Judge:

- (1) any persons who have been diagnosed with COVID-19;
- (2) any persons who have come into contact with any individual who has been diagnosed with COVID-19;
- (3) any persons who have been instructed to self-quarantine by any doctor, hospital, health practitioner, or health agency;
- (4) any persons who reside with, or have had close contact with, any individual who has been instructed to self-quarantine by any doctor, hospital, health practitioner, or health agency;
- (5) any persons who have, within the last fourteen days, been in any of the following U.S. regions or any of the countries for which the CDC has issued Level Two or Level Three travel

health notices, including, as of the date of this order, the below listed countries:

U.S. REGIONS

- STATE OF NEW YORK
- STATE OF NEW JERSEY
- STATE OF CALIFORNIA
- STATE OF WASHINGTON

COUNTRIES

- CHINA
- IRAN
- SOUTH KOREA
- EUROPE (SCHENGEN AREA): AUSTRIA, BELGIUM, CZECH REPUBLIC, DENMARK, ESTONIA, FINLAND, FRANCE, GERMANY, GREECE, HUNGARY, ICELAND, ITALY, LATVIA, LIECHTENSTEIN, LITHUANIA, LUXEMBOURG, MALTA, NETHERLANDS, NORWAY, POLAND, PORTUGAL, SLOVAKIA, SLOVENIA, SPAIN, SWEDEN, SWITZERLAND, MONACO, SAN MARINO, AND VATICAN CITY
- UNITED KINGDOM AND IRELAND: ENGLAND, SCOTLAND, WALES, NORTHERN IRELAND, REPUBLIC OF IRELAND
- JAPAN
- BRAZIL, CHILE, ECUADOR
- AUSTRALIA
- CANADA
- INDIA, PAKISTAN, PHILIPPINES, INDONESIA, MALAYSIA, SINGAPORE, THAILAND
- ISRAEL, SAUDI ARABIA, QATAR, TURKEY, ROMANIA
- SOUTH AFRICA

(6) any persons who reside with, or have had close contact with, any individual who, within the last fourteen days, has been in one of the countries or regions listed above.

Anyone attempting to enter in violation of these protocols will be denied entry. If you are scheduled to appear at a U.S. Courthouse or Probation Office in this District and are unable to do so because

of the restrictions in this Order, you are directed to proceed as follows:

- If you are represented by an attorney, please contact your attorney;
- If you are an attorney and are scheduled to appear in court before a judge, please contact that chambers directly;
- If you are scheduled to meet with a Pretrial Services Officer, please contact the office of Pretrial Services at (703) 299-2250;
- If you are scheduled to meet with a Probation officer, please contact the Probation Office at (703) 299-2300;
- If you are a juror, please contact the Jury Department at (703) 299-2104;
- For Bankruptcy matters, please contact the Bankruptcy Court Clerk's Office at (703) 258-1200;
- For District Court matters, please contact the District Court Clerk's Office at (703) 299-2100; and
- For U.S. Court of Appeals matters, please contact Patricia S. Connor, Clerk of Court at (804) 916-2700.

These restrictions will remain in place temporarily until it is determined to be safe to remove them. Any person who thinks that they may have been exposed to COVID-19 should contact their healthcare provider immediately.



Newport News Court Access Notice regarding Coronavirus (COVID-19)

**Due to the ongoing coronavirus (COVID-19) outbreak,
please read the below Order before entering the Courthouse:**

By Order of the Chief Judge, the following persons shall not enter any U.S. Courthouse or U.S. Probation Office in the Eastern District of Virginia without prior permission from the Chief Judge:

- (1) any persons who have been diagnosed with COVID-19;
- (2) any persons who have come into contact with any individual who has been diagnosed with COVID-19;
- (3) any persons who have been instructed to self-quarantine by any doctor, hospital, health practitioner, or health agency;
- (4) any persons who reside with, or have had close contact with, any individual who has been instructed to self-quarantine by any doctor, hospital, health practitioner, or health agency;
- (5) any persons who have, within the last fourteen days, been in any of the following U.S. regions or any of the countries for which the CDC has issued Level Two or Level Three travel

health notices, which include, as of the date of this Order,
the below listed countries:

U.S. REGIONS

- STATE OF NEW YORK
- STATE OF NEW JERSEY
- STATE OF CALIFORNIA
- STATE OF WASHINGTON

COUNTRIES

- CHINA
- IRAN
- SOUTH KOREA
- EUROPE (SCHENGEN AREA): AUSTRIA, BELGIUM, CZECH REPUBLIC, DENMARK, ESTONIA, FINLAND, FRANCE, GERMANY, GREECE, HUNGARY, ICELAND, ITALY, LATVIA, LIECHTENSTEIN, LITHUANIA, LUXEMBOURG, MALTA, NETHERLANDS, NORWAY, POLAND, PORTUGAL, SLOVAKIA, SLOVENIA, SPAIN, SWEDEN, SWITZERLAND, MONACO, SAN MARINO, AND VATICAN CITY
- UNITED KINGDOM AND IRELAND: ENGLAND, SCOTLAND, WALES, NORTHERN IRELAND, REPUBLIC OF IRELAND
- JAPAN
- BRAZIL, CHILE, ECUADOR
- AUSTRALIA
- CANADA
- INDIA, PAKISTAN, PHILIPPINES, INDONESIA, MALAYSIA, SINGAPORE, THAILAND
- ISRAEL, SAUDI ARABIA, QATAR, TURKEY, ROMANIA
- SOUTH AFRICA

(6) any persons who reside with, or have had close contact with, any individual who, within the last fourteen days, has been in one of the countries or regions listed above.

Anyone attempting to enter in violation of these protocols will be denied entry. If you are scheduled to appear at a U.S. Courthouse or Probation Office in this District and are unable to do so because

of the restrictions in this Order, you are directed to proceed as follows:

- If you are represented by an attorney, please contact your attorney;
- If you are an attorney and are scheduled to appear in court before a judge, please contact that chambers directly;
- If you are scheduled to meet with a Pretrial Services Officer, please contact Pretrial Services at (757) 223-4640;
- If you are scheduled to meet with a Probation Officer, please contact the Probation Office at (757) 223-4640;
- If you are a juror, please contact the Jury Department at (757) 222-7200;
- For Bankruptcy matters, please contact the Bankruptcy Court Clerk's Office at (757) 244-3678;
- For District Court matters, please contact the District Court Clerk's Office at (757) 247-0784; and
- For U.S. Court of Appeals matters, please contact Patricia S. Connor, Clerk of Court at (804) 916-2700.

These restrictions will remain in place temporarily until it is determined to be safe to remove them. Any person who thinks that they may have been exposed to COVID-19 should contact their healthcare provider immediately.



Norfolk Court Access Notice regarding Coronavirus (COVID – 19)

**Due to the ongoing coronavirus (COVID-19) outbreak,
please read the below Order before entering the Courthouse:**

By Order of the Chief Judge, the following persons shall not enter any U.S. Courthouse or U.S. Probation Office in the Eastern District of Virginia without prior permission from the Chief Judge:

- (1) any persons who have been diagnosed with COVID-19;
- (2) any persons who have come into contact with any individual who has been diagnosed with COVID-19;
- (3) any persons who have been instructed to self-quarantine by any doctor, hospital, health practitioner, or health agency;
- (4) any persons who reside with, or have had close contact with, any individual who has been instructed to self-quarantine by any doctor, hospital, health practitioner, or health agency;
- (5) any persons who have, within the last fourteen days, been in any of the following U.S. regions or any of the countries for which

the CDC has issued Level Two or Level Three travel health notices, including, as of the date of this order, the below listed countries:

U.S. REGIONS

- STATE OF NEW YORK
- STATE OF NEW JERSEY
- STATE OF CALIFORNIA
- STATE OF WASHINGTON

COUNTRIES

- CHINA
- IRAN
- SOUTH KOREA
- EUROPE (SCHENGEN AREA): AUSTRIA, BELGIUM, CZECH REPUBLIC, DENMARK, ESTONIA, FINLAND, FRANCE, GERMANY, GREECE, HUNGARY, ICELAND, ITALY, LATVIA, LIECHTENSTEIN, LITHUANIA, LUXEMBOURG, MALTA, NETHERLANDS, NORWAY, POLAND, PORTUGAL, SLOVAKIA, SLOVENIA, SPAIN, SWEDEN, SWITZERLAND, MONACO, SAN MARINO, AND VATICAN CITY
- UNITED KINGDOM AND IRELAND: ENGLAND, SCOTLAND, WALES, NORTHERN IRELAND, REPUBLIC OF IRELAND
- JAPAN
- BRAZIL, CHILE, ECUADOR
- AUSTRALIA
- CANADA
- INDIA, PAKISTAN, PHILIPPINES, INDONESIA, MALAYSIA, SINGAPORE, THAILAND
- ISRAEL, SAUDI ARABIA, QATAR, TURKEY, ROMANIA
- SOUTH AFRICA

(6) any persons who reside with, or have had close contact with, any individual who, within the last fourteen days, has been in one of the countries or regions listed above.

Anyone attempting to enter in violation of these protocols will be denied entry. If you are scheduled to appear at a U.S. Courthouse or Probation Office in this District and are unable to do so because

of the restrictions in this Order, you are directed to proceed as follows:

- If you are represented by an attorney, please contact your attorney;
- If you are an attorney and are scheduled to appear in court before a judge, please contact that chambers directly;
- If you are scheduled to meet with a Pretrial Services Officer, please contact Pretrial Services at (757) 222-7400;
- If you are scheduled to meet with a Probation Officer, please contact the Probation Office at (757) 222-7300;
- If you are a juror, please contact the Jury Department at (757) 222-7200;
- For Bankruptcy matters, please contact the Bankruptcy Court Clerk's Office at (757) 222-7500;
- For District Court matters, please contact the District Court Clerk's Office at (757) 222-7201 for civil matters and at (757) 222-7202 for criminal matters; and
- For U.S. Court of Appeals matters, please contact Patricia S. Connor, Clerk of Court at (804) 916-2700.

These restrictions will remain in place temporarily until it is determined to be safe to remove them. Any person who thinks that they may have been exposed to COVID-19 should contact their healthcare provider immediately.



Richmond Court Access Notice regarding Coronavirus (COVID – 19)

**Due to the ongoing coronavirus (COVID-19) outbreak,
please read the below order before entering the Courthouse:**

By Order of the Chief Judge, the following persons shall not enter any U.S. Courthouse or U.S. Probation Office in the Eastern District of Virginia without prior permission from the Chief Judge:

- (1) any persons who have been diagnosed with COVID-19;
- (2) any persons who have come into contact with any individual who has been diagnosed with COVID-19;
- (3) any persons who have been instructed to self-quarantine by any doctor, hospital, health practitioner, or health agency;
- (4) any persons who reside with, or have had close contact with, any individual who has been instructed to self-quarantine by any doctor, hospital, health practitioner, or health agency;
- (5) any persons who have, within the last fourteen days, been in any of the following U.S. regions or any of the countries for which the CDC has issued Level Two or Level Three travel

health notices, including, as of the date of this order, the below listed countries:

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- UNITED KINGDOM AND IRELAND: ENGLAND, SCOTLAND, WALES, NORTHERN IRELAND, REPUBLIC OF IRELAND
- JAPAN
- BRAZIL, CHILE, ECUADOR
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- ISRAEL, SAUDI ARABIA, QATAR, TURKEY, ROMANIA
- SOUTH AFRICA

(6) any persons who reside with, or have had close contact with, any individual who, within the last fourteen days, has been in one of the countries or regions listed above.

Anyone attempting to enter in violation of these protocols will be denied entry. If you are scheduled to appear at a U.S. Courthouse or Probation Office in this District and are unable to do so because

of the restrictions in this Order, you are directed to proceed as follows:

- If you are represented by an attorney, please contact your attorney;
- If you are an attorney and are scheduled to appear in court before a judge, please contact that chambers directly;
- If you are scheduled to meet with a Pretrial Services Officer, please contact Pretrial Services at (804) 916-2800;
- If you are scheduled to meet with a Probation officer, please contact the Probation Office at (804) 916-2500;
- If you are a juror, please contact the Jury Department at (804) 916-2212;
- For Bankruptcy matters, please contact the Bankruptcy Court Clerk's Office at (804) 916-2400;
- For District Court matters, please contact the District Court Clerk's Office at (804) 916-2220 for civil matters and at (804) 916-2230 for criminal matters; and
- For U.S. Court of Appeals matters, please contact Patricia S. Connor, Clerk of Court at (804) 916-2700.

These restrictions will remain in place temporarily until it is determined to be safe to remove them. Any person who thinks that they may have been exposed to COVID-19 should contact their healthcare provider immediately.